

Remarks

Applicant replies to the Office Action dated September 16, 2010, within three months. Claims 1-7, and 9-20 are pending in the application and the Examiner rejects claims 1-7, and 9-20. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Objections to the Claims

The Examiner objects to claim 1 due to an informality. Applicant thanks the Examiner for identifying the informality and Applicant amends the claim to correct. Applicant believes the objection is now moot and should be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-3, 5-7, 9-10, 12-14, and 16-20 under 35 U.S.C. 103(a) as being unpatentable over Janacek et al., U.S. Patent No. 6,684,248 ("Janacek"), in view of Poplawski et al., U.S. Publication No. 2003/0208441 ("Poplawski") in further view of Choubey et al., U.S. Patent No. 7,305,430 ("Choubey") in further view of Choski, U.S. Patent No. 6,477,243 ("Choski") (Applicant assumes Patent No. 6,477,243 attributed to Choski on page 3 of the Office action was a typographical error). The Examiner rejects claims 4 and 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Janacek in view of Poplawski in further view of Choubey in further view of Choski and in further view of Fung et al., U.S. Publication No. 2002/0055909 ("Fung"). Applicant respectfully disagrees with these rejections, but Applicant amends certain claims without prejudice or disclaimer in order to clarify the patentable aspects of certain claims and to expedite prosecution.

The Examiner states on pages 6 and 7 of the Office Action that "The combination invention of Janacek-Poplawski-Choubey discussed above differs from the invention being claimed by applicant in that the primary message is an email message transmitted via email, while in the invention being claimed in claim 1, the primary message is not transmitted via email and dynamic access by a second intended recipient to the primary message is provided via a website. However, Choksi discloses that email is not the only type of message that can be sent and accessed by a recipient via a website (col.2, lines 17-32)," (emphasis added). Choksi

generally teaches “Integration of telecommunication message services and other communication services is achieved by notifying a user of a communication system of successful receipt of a message (e.g., a facsimile message) by sending a confirmation message to the user, e.g., using e-mail, facsimile, voice and/or data communications,” (abstract, emphasis added). Importantly (as presented in the Office Action reply of August 18, 2010), in the present claims, the primary message is not an incoming message nor is the primary message a confirmation of the receipt of a message, in contrast to and fundamentally different from Choksi and the proposed Janacek-Poplawski-Choubey combination. The present claims are not directed to a received message. Stated another way, the claims of the present application state “wherein the primary message is first communicated via the secure website.” Thus, Choksi, does not disclose or contemplate at least “wherein the primary message is not transmitted via email, wherein the primary message is first communicated via the secure website” and “maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website,” as recited in independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20.

Choubey generally relates to a technique for reducing data storage requirements on mail servers (abstract). Specifically, in the system of Choubey, “a single copy of an incoming message addressed to multiple recipients is stored as a shared message on a server and the message size is determined” (abstract, emphasis added). **Importantly, the system of Choubey is directed to a received email message.** The present claims and specification of the present application specifically recite the inherent security problems of e-mail transmissions (see at least paragraph [0004]). Thus, Applicant asserts that the system of Choubey does not disclose or contemplate at least “wherein the primary message is not transmitted via email, wherein the primary message is first communicated via the secure website” and “maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website,” as recited in independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20.

Poplawski generally relates to “an electronic bill presentment and payment system and method” (abstract). Applicant has not found any disclosure in Poplawski disclosing or contemplating at least “wherein the primary message is not transmitted via email, wherein the primary message is first communicated via the secure website” and “maintaining, by the

computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website,” as recited in independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20.

Fung relates to “a technique for web site account and e-commerce management from a central location” (abstract). The Examiner cites Fung to teach the use of an identifier that is a physical characteristic of the user that is identifiable by a biometric identification system. Applicant has not found any disclosure in Fung disclosing or contemplating at least “wherein the primary message is not transmitted via email wherein the primary message is first communicated via the secure website,” and “maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website,” as recited in independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20.

Thus, Applicant submits that Janacek, Poplawski, Fung, Choksi, Choubey, whether considered individually or in combination in any combination, do not disclose or contemplate at least “wherein the primary message is not transmitted via email, wherein the primary message is first communicated via the secure website” and “maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website,” as recited in independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20. Therefore, Applicant submits that independent Claims 1, 9 and 20 are allowable over the cited art.

Dependent claims 2-7, and 10-19 variously depend from independent claims 1 and 9. Therefore, Applicant asserts that dependent claims 2-7, and 10-19 are patentable for at least the same reasons stated above for differentiating independent claims 1, 9 and 20, as well as in view of their own respective features. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 2-7, and 10-19.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicant intends the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicant respectfully submits that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicant invites the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: December 15, 2010

By: 

Todd P. Komaromy
Reg. No. 64,680

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6321
Fax: 602-382-6070
Email: tkomaromy@swlaw.com